

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
KAY BOURABAH,

Plaintiff,

-against-

NEW YORK STATE DIVISION OF HOUSING AND
COMMUNITY RENEWAL and SOUTH BRIDGE
TOWERS, INC.,

Defendants.

-----X

**NOTICE OF MOTION
MOTION PURSUANT TO
RULE 12(b)(1) and (6)
DEFENDANT NEW YORK
STATE DIVISION OF HOUSING
AND COMMUNITY RENEWAL**

08 CV 05693 (LTS)

PLEASE TAKE NOTICE that upon the accompanying Declaration of Roberta L. Martin, dated August 26, 2008 and the annexed Memorandum of Law, dated August 26, 2008, and all the pleadings and proceedings heretofore had herein, Defendant, the New York State Division of Housing and Community Renewal ("State Defendant"), by its attorney, ANDREW M. CUOMO, Attorney General of the State of New York, will move this Court by submission of papers before the Honorable Laura Taylor Swain, United States District Judge sitting at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York at a date and time to be determined by the court for an order pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure:

(1) dismissing the complaint against the Defendant on the grounds that the court lacks jurisdiction over the subject matter; and

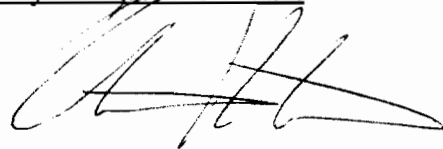
(2) dismissing the complaint against the Defendant on the grounds that the complaint fails to state a cause of action; and

(3) granting such other and further relief as may be just and proper.

Dated: New York, New York
August 26, 2008

Yours, etc.,

ANDREW M. CUOMO
Attorney General of the
State of New York
Attorney for State Defendant
By:



ROBERTA L. MARTIN (RM-7044)
Assistant Attorney General
120 Broadway
New York, New York 10271
(212) 416-6696/8610

TO:
Robert A. Katz, Esq.
Attorney for Plaintiff
277 Broadway, Ste. 1410
New York, NY 10007

Dean Roberts, Esq.
Attorney for Co-Defendant,
Southbridge Towers, Inc.
Norris, McLaughlin & Marcus, P.A.
875 Third Avenue, 18th Floor
New York, NY 10022

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
 : SS.:
COUNTY OF NEW YORK)

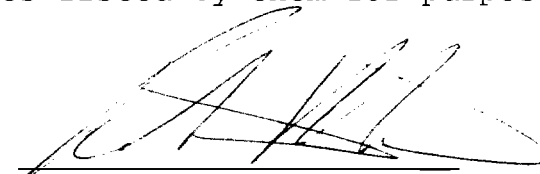
ROBERTA L. MARTIN, being duly sworn, deposes and says:

That she is an Assistant Attorney General in the office of ANDREW M. CUOMO, the Attorney General of the State of New York, Attorney for the State Defendant herein. On the 26th day of August, 2008, she served the annexed Notice of Motion upon the following named persons:

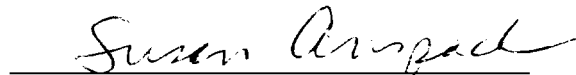
ROBERT A. KATZ, Esq.
Counsel for Plaintiff
Kay Bourabah
277 Broadway, Suite 1410
New York, New York 10007

Norm Roberts, Esq.
Counsel for Co-Defendant
SouthBridge Towers, Inc.
Norris, McLaughlin & Marcus, PA
875 Third Avenue, 18th Floor
New York City, N.Y. 10022

Counsels for Petitioner and Co-Defendant respectively, in the within entitled proceeding by depositing a true and correct copy thereof, properly enclosed in a Federal Express Envelope, with postage directed to be paid by sender in a post-office box regularly maintained by them at 120 Broadway, New York, New York 10271 directed to the addresses listed by them for purposes of service.


ROBERTA L. MARTIN

Sworn to before me this
August 26, 2008


Assistant Attorney General
of the State of New York